

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY
DOCUMENT
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AHMAD SEIR AZATULLAH,

Plaintiff,

-against-

ALEJANDRO MAYORKAS, Secretary of the
Department of Homeland Security; UR M.
JADDOU, Director of the United States
Citizenship and Immigration Services; and
TIMOTHY J. HOUGHTON, Director of the
New York District of the United States
Citizenship and Immigration Services,

Defendants.

1:20-cv-01069-MKV

ORDER

MARY KAY VYSKOCIL, United States District Judge:

Plaintiff Ahmad Seir Azatullah brings this action, seeking review of the denial of his I-485 application for adjustment of status to permanent resident of the United States. Plaintiff asserts claims under the Administrative Procedure Act (“APA”), 5 U.S.C. §§ 701, *et seq.* and the Declaratory Judgment Act, 28 U.S.C. §§ 2201–2202 against Alejandro Mayorkas, Secretary of the Department of Homeland Security, Ur M. Jaddou, Director of the United States Citizenship and Immigration Services (“USCIS”), and Timothy J. Houghton, Director of the New York District of the United States Citizenship and Immigration Services (collectively, “Defendants”).¹ The parties have cross moved for summary judgment. [ECF No. 27]; [ECF No. 32].

The Court held oral arguments on the parties’ cross motions on March 4, 2022. At the hearing, the parties advised the Court that a similar issue as one in this case, whether USCIS is collaterally estopped from denying an asylee adjustment of status upon the grounds of terrorism

¹ Alejandro Mayorkas, Secretary of the Department of Homeland Security; Ur M. Jaddou, Director of the United States Citizenship and Immigration Services; and Timothy J. Houghton, Director of the New York District of the United States Citizenship and Immigration Services have now been automatically substituted as Defendants pursuant to Rule 25(d).

related activities that occurred before he was granted asylum, is currently on appeal in *Kakar v. United States Citizenship & Immigr. Servs.*, under the Case Number 20-1512, at the Second Circuit.


As such, IT IS HEREBY ORDERED that this action is stayed pending the resolution of the appeal in *Kakar v. United States Citizenship & Immigr. Servs.*, 20-1512. The Court finds that a stay pending this appeal would conserve judicial resources and permit this Court to proceed at a future date with the benefit of guidance from the Court of Appeals. The pending cross motions for summary judgment [ECF No. 27]; [ECF No. 32] are administratively terminated without prejudice to refiling the motion after termination of the stay.

IT IS FURTHER ORDERED that within two weeks of the Second Circuit's ruling in *Kakar v. United States Citizenship & Immigr. Servs.*, 20-1512, the parties shall file a joint letter to the Court of no longer than 6 pages, explaining how that decision impacts this case.

The Clerk of Court respectfully is requested to terminate docket entries 27 and 32 and stay this action on ECF.

SO ORDERED.

**Date: March 4, 2022
New York, NY**



MARY KAY VYSKOČIL
United States District Judge